

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FLORENCE WALLACE, et al.,

Plaintiffs,

v.

ROBERT J. POWELL, et al.,

Defendants.

CIVIL ACTION NO. 3:09-cv-286

(JUDGE CAPUTO)

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM CONWAY, et al.,

Plaintiffs,

v.

MICHAEL T. CONAHAN, et al.,

Defendants.

CIVIL ACTION NO. 3:09-cv-0291

(JUDGE CAPUTO)

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

H.T., et al.,

Plaintiffs,

v.

MARK A. CIAVARELLA, JR., et al.,

Defendants.

CIVIL ACTION NO. 3:09-cv-0357

(JUDGE CAPUTO)

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SAMANTHA HUMANIK,

Plaintiff,

v.

MARK A. CIAVARELLA, JR., et al.,

Defendants.

CIVIL ACTION NO. 3:09-cv-0630

(JUDGE CAPUTO)

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RAUL CLARK, et al.,

Plaintiffs,

v.

MICHAEL T. CONAHAN, et al.,

Defendants.

CIVIL ACTION NO. 3:09-cv-0357

(JUDGE CAPUTO)

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WAYNE DAWN, et al.,

Plaintiffs,

v.

MARK A. CIAVARELLA, JR., et al.,

Defendants.

CIVIL ACTION NO. 3:09-cv-2535

(JUDGE CAPUTO)

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ANGELA RIMMER BELANGER, et al.,

Plaintiffs,

v.

MARK A. CIAVARELLA, et al.,

Defendants.

CIVIL ACTION NO. 3:10-cv-1405

(JUDGE CAPUTO)

ORDER

NOW, this 14th day of May, 2013, **IT IS HEREBY ORDERED** that the Motion for Class Certification as to All Issues of Defendants' Liability to Plaintiffs (Doc. 1319) filed by Plaintiffs in *H.T. v. Ciavarella*, No. 09-0357, and *Conway v. Conahan*, No. 09-0291 (collectively "Plaintiffs"), is **GRANTED**.

IT IS FURTHER ORDERED that:

- (1) The following litigation classes (the "Classes") are certified pursuant to Federal Rule of Civil Procedure 23(a) and (b)(3):

Class A

Violations of Right to Impartial Tribunal

All children who were adjudicated delinquent or referred to placement by Ciavarella between 2003 and May 2008, whose adjudications were vacated, expunged, and dismissed with prejudice by orders of the Pennsylvania Supreme Court dated October 29, 2009 or March 29, 2010. See *in re Expungement of Juvenile Records and Vacatur of Luzerne County Juvenile Court Consent Decrees or Adjudications from 2003-2008*, No. 81-MM-2008 (Pa.)

Subclass A.1

Violations of Right to Counsel and/or Colloquy

All children in Class A who were adjudicated delinquent or referred to placement by Ciavarella without counsel and/or without colloquies on the record that informed them of their rights and the consequences of waiving those rights, before either waiving counsel and/or pleading guilty, during the time between 2003 and May 2008.

Subclass A.2

False Imprisonment

All children in Class A who were referred to placement at PA Child Care and/or Western PA Child Care by Ciavarella between 2003 and May 2008.

Class B

Violations of RICO Act

All children who were adjudicated delinquent or referred to placement by Ciavarella who paid fees, costs, fines, restitution, or any other monetary charges associated with their adjudications and/or placements during the time period between 2003 and May 2008, as well as all children's parents or guardians who paid fees, costs, fines, restitution, or any other monetary charges associated with their children's adjudications and/or placements during the same time period.

- (2) The Classes are certified pursuant to Rule 23(c)(4) for determination of all legal and factual issues as to Defendants' liability on Plaintiffs' claims in Counts I, II, III, IV, V, VII, and IX of the Master Complaint for Class Actions (Doc. 136).
- (3) The following representative Plaintiffs are appointed as representatives of the Classes and Subclasses:

Paige Cicardo-	Class A, Subclass A.1, Subclass A.2
Elizabeth Habel-	Class A, Subclass A.2, Class B
Angelia Karsko-	Class A, Subclass A.2
H.T.-	Class A, Subclass A.1
Jessica Van Reeth-	Class A, Subclass A.1
Dezare Dunbar-	Class A
Alexandra Fahey-	Class A

Jack Van Reeth- Class B

- (4) Pursuant to Rule 23(g), Hangley Aronchick Segal Pudlin & Schiller, Juvenile Law Center, and Anapol Schwartz are appointed as Class Counsel.
- (5) Within thirty (30) days of the date of this Order, Plaintiffs shall file a motion for approval of their proposed forms of class notice and their notice program (the "Notice Motion.") If the Notice Motion is opposed by any party, that party shall file a brief in opposition to the Notice Motion no later than fourteen (14) days after the filing of the Notice Motion.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge